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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,866	09/10/2003	Sarah E. Zeller	200209040-1	5129

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EXAMINER


CULLER, JILL E

ART UNIT PAPER NUMBER

2854

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/659,866	<b>Applicant(s)</b> ZELLER ET AL.	
	<b>Examiner</b> Jill E. Culler	<b>Art Unit</b> 2854	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 13-18 and 20-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10, 13-18 and 20-22 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 23-32 is/are rejected.
- 7) ☒ Claim(s) 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 31-33 are objected to because of the following informalities: In claim 31, on line 9, the phrase "and the second divider" appears to have been unnecessarily repeated. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 and 23-32 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,398,712 to George.

With respect to claims 1-2, George teaches a printer collator comprising first means, B1-B5, for selectively separating printer output, see column 3, lines 34-38, the first means comprising a first output tray, B1, and a second output tray, B2, and second means, 57, 62, coupled to the first means for angling and/or rotation the first output tray while the second output tray remains stationary and based on the printer output. See column 3, lines 38-51 and Figure 4.

With respect to claim 3, George teaches the second means includes a controller, which includes third means for generating control signals to control the second means

to facilitate automatic positioning of the first means to selectively separate the physical output. See column 5, line 63 - column 6, line 21.

With respect to claim 4, George teaches the second means includes a curved surface, 57, in communication with the first output tray, said curved surface and positions of said first output tray on said curved surface controllable via a motor which is responsive to said control signals. See column 5, line 63 - column 6, line 21.

With respect to claim 5, George teaches the second means includes adjustable output media guides for facilitating directing said physical output onto an appropriate output tray, B1-B5, and the curved surface is fitted with a curved track, 27, having the first output tray positioned thereon. See column 3, lines 34-65.

With respect to claim 23, George teaches a system for organizing printer output comprising a curved track, 57, having a first end spaced from a second end, compartments, B1-B5, adapted to accommodate printer output media, wherein the compartments extend along the track; a motor in communication with said compartments; and a controller in communication with said motor, said controller generating control signals to said motor to selectively position said compartments about the curved track, 57, to direct said printer output media into a desired one of said compartments. See column 3, lines 34-65 and column 5, line 63 - column 6, line 21.

With respect to claim 24, George teaches a printer capable of organizing printer output comprising a curved , 57, having a first end spaced from a second end, first means, 11, for generating an image on printer output media, compartments, B1-B5, adapted to accommodate said printer output media, said compartments attached to the

curved track; a motor in communication with said compartments; and a controller in communication with said motor, said controller generating control signals to said motor to selectively position said compartments about the curved track, 57, to direct said printer output media into a desired one of said compartments. See column 3, lines 34-65 and column 5, line 63 - column 6, line 21.

With respect to claim 25, George teaches a method for organizing printer output comprising the steps of: selectively separating printer output amongst output dividers, B1-B5, and facilitating automatic nonlinear positioning of a first output tray, B1, about a curved discontinuous track, 57, based on said printer output. See column 3, lines 34-65 and column 5, line 63 - column 6, line 21.

With respect to claims 26-30, George teaches a collator comprising a first media divider, B1, a second media divider, B2, and a first actuator configured to non-linearly move the first divider while the second divider remains stationary, wherein the first actuator is also configured to non-linearly move the second divider while the first divider remains stationary, the first divider, B1, and second divider, B2, are coupled to a discontinuous curved track, 57, and including a second actuator configured to move the first divider between a first position in which the first divider is operably engaged by the first actuator and a second position in which the first divider is operably disengaged from the first actuator and wherein the first divider and the second divider are configured to be collapsed to enable media to pass over the first divider and the second divider. See column 3, lines 34-65 and column 5, line 63 - column 6, line 21 and the Figures.

With respect to claims 31-32, George teaches a printer comprising a surface, and a collator including a first media divider, B1, a second media divider, B2, and an actuator configured to non-linearly move the first divider and the second divider between a first position in which the first divider and the second divider extend over the surface and a second position in which the first divider and the second divider expose the surface, wherein the first divider, B1, and the second divider, B2, extend parallel to the surface in the first position and the first divider and the second divider extend perpendicular to the surface in the second position. See column 3, lines 34-65 and column 5, line 63 - column 6, line 21 and the Figures.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over George in view of U.S. Patent No. 5,898,592 to Salgado et al.

With respect to claim 6, George teaches all that is claimed, as in the above rejection of claims 1-5 and 23-32 except that said second means includes an output media level sensor in communication with said controller, said third means generating a control signal to said motor effective to position a different output tray in an output path

when said output media level sensor indicates that an output tray currently being filled is full.

Salgado et al. teaches an output media level sensor, in communication with said controller, said third means generating a control signal to said motor effective to position a different output tray in an output path when said output media level sensor indicates that an output tray currently being filled is full. See column 9, line 60 - column 10, line 3 and column 12, lines 1-39.

It would have been obvious to one having ordinary skill in the art at the time of the invention to use the output media level sensor of Salgado et al. with the collator of George in order to be able to continue sorting media without operator intervention when a particular tray is filled.

With respect to claim 7, George teaches that said output trays, 35, are positioned approximately perpendicular to said curved track and are rotatable about an axis of said track. See column 2, line 57 - column 3, line 11 and Figures 1 and 4 in particular.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over George in view of Salgado et al. as applied to claims 6-7 above, and further in view of U.S. Patent No. 5,551,680 to Ohmichi et al.

George and Salgado et al. teach all that is claimed, as in the above rejection of claims 6-7, except that the curved track is shaped to enable said output trays to be sufficiently rotated to expose one or more access doors, to expose other printer features, or to selectively disable said collator.

Ohmichi et al. teaches a collator track which is shaped to enable output trays to be moved to enable access to other printer features.

It would have been obvious to one having ordinary skill in the art at the time of the invention to design the track of George as modified by Salgado et al. to have spacing capabilities, as taught by Ohmichi et al., in order to allow the operator access to the printer for purposes such as removing a paper jam.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over George in view of U.S. Patent No. 6,170,821 to Kubota.

George teaches all that is claimed, as in the above rejection of claims 1-5 and 23-32 except that said second means includes means for selectively engaging or disengaging trays included in said first means to selectively move trays into desired positions.

Kubota teaches means for selectively engaging or disengaging trays to selectively move trays into desired positions. See column 4, lines 51-62.

It would have been obvious to one having ordinary skill in the art at the time of the invention to design the trays of George to have the engaging and disengaging means of Kubota in order to have more flexibility for the placement of the trays.

***Allowable Subject Matter***

8. Claims 10, 13-18 and 20-22 are allowed.



9. Claim 33 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach or render obvious a printer as claimed, particularly including an access door which provides a surface which is exposed by the movement of collator media dividers.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-9 and 23-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 4,332,377 to DuBois et al., U.S. Patent No. 4,473,223 to Lap, and U.S. Patent No. 5,240,245 to Ademmer et al. each teach a collater having obvious similarities to the claimed subject matter.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-Th 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2854

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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